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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/712,765	11/14/2000	Yoshihisa Adachi	55398(904)	9070

21874 7590 06/15/2004

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BOSTON, MA 02205

EXAMINER

LE, KIMLIEN T

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 06/15/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Commissioner for Patents

DETAILED ACTION

Claims 1-6, 15 and 26-29 are generic to Species A and D, and allowable. Accordingly, the restriction requirement as to the encompassed species is hereby withdrawn and claim 21, directed to species of D is no longer withdrawn from consideration since all of the claims to this species depend from or otherwise include each of the limitations of an allowed generic claim. However, claims 7-14, 16-20, 22-25 and 30-61, directed to species of B, C, E and F remain withdrawn from consideration since they do not all depend upon or otherwise include all the limitations of an allowed generic claim as required by 37 CFR 1.141.

In view of the above noted withdrawal of the restriction requirement as to the linked species, applicant(s) are advised that if any claim(s) depending from or including all the limitations of the allowable generic linking claim(s) be presented in a continuation or divisional application, such claims may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

This application is in condition for allowance except for the presence of claims 7-14, 16-20, 22-25, and 30-61 to an invention non-elected with traverse in the reply filed on March 31, 2004. Applicant is given ONE MONTH or THIRTY DAYS from the date of this letter, whichever is longer, to either conform all of the claims of the non-elected Species to fully embrace an allowed generic claim, to cancel the noted claims, or to take other appropriate action (37 CFR 1.144). Failure to take action during this period will be treated as authorization to cancel the noted claims by Examiner's Amendment and pass the case to issue. Extensions of time under 37 CFR 1.136(a) will not be permitted since this application will be passed to issue.

The prosecution of this case is closed except for consideration of the above matter.

Art Unit: 2653

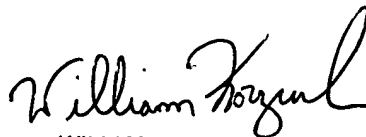
Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimlien T Le whose telephone number is 703 305 3498. The examiner can normally be reached on M-F 8 a.m-5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch, can be reached on 703-305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kimlien Le


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TECHNOLOGY CENTER 2600